

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

JAKE PITTARI,

Plaintiff,

vs.

AMERICAN EAGLE AIRLINES, INC.,

Defendant.

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Case No: 04-CV-5200

U. S. DISTRICT COURT  
WESTERN DISTRICT ARKANSAS  
FILED

NOV 18 2005

CHRIS R. JOHNSON, CLERK

DEPUTY CLERK

**NOTICE OF APPEAL**

Notice is hereby given that American Eagle Airlines, Inc., Defendant in the above named case, hereby appeals to the United States Court of Appeals for the Eighth Circuit from the final judgment entered in this action on October 21, 2005.

Dated: November 18, 2005

Respectfully submitted,

AMERICAN EAGLE AIRLINES, INC.,  
Defendant



David R. Cordell  
CONNER & WINTERS, P.C.  
3700 First National Tower  
15 E. 5<sup>th</sup> Street  
Tulsa, Oklahoma 74103-4344  
(918)586-5711

AND

Terri Dill Chadick,  
CONNER & WINTERS, P.L.L.C.  
100 West Center Street  
Fayetteville, AR 72701  
(479)582-5711, voice  
(479)587-1426, facsimile

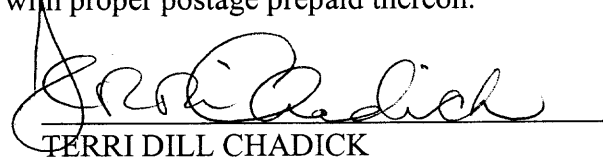
Attorneys for Defendant,  
AMERICAN EAGLE AIRLINES, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18<sup>th</sup> day of November, I mailed a true and correct copy of the above and foregoing instrument to:

Stephen Lee Wood, Esq.  
Stephen Lee Wood, P.A.  
110 South Second St.  
Rogers, AR 72756

by depositing said copy in the United States mail with proper postage prepaid thereon.

  
TERRI DILL CHADICK

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IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

JAKE PITTARI

PLAINTIFF

V.

NO. 04-5200

AMERICAN EAGLE AIRLINES, INC.

DEFENDANT

JUDGMENT

This action came on for trial on September 27, 28, and 29, 2005.

Plaintiff appeared and was represented by Stephen Lee Wood. Defendant appeared by its corporate representative Rosalyn Beaty, M.D., and was represented by David R. Cordell and Terri Dill Chadick.

A jury of 12 members was empaneled. Witnesses were sworn, testimony was given, and exhibits were received into evidence. The jury was instructed on the law, counsel made their arguments, and the jury retired to deliberate.

After due deliberation, the jury returned the following verdicts:

Interrogatory No. 1

On plaintiff's ADA claim, we the jury find in favor of

PLAINTIFF   X  

DEFENDANT           

09/29/2005  
Date

/s/ Elaine Odle  
(Signature of Presiding Juror)

Interrogatory No. 2

On plaintiff's FMLA claim, we the jury find in favor of

PLAINTIFF \_\_\_\_\_

DEFENDANT   X  

09/29/2005  
Date

/s/ Elaine Odle  
(Signature of Presiding Juror)

Interrogatory No. 3

Do you find that defendant acted in good faith, reasonably believing that its action complied with the Family Medical Leave Act?

YES   X  

NO \_\_\_\_\_

09/29/2005  
Date

/s/ Elaine Odle  
(Signature of Presiding Juror)

Interrogatory No. 4

A. State the amount of any damages which you find from a preponderance of the evidence should be awarded to plaintiff for lost wages, salary and employee benefits; if you find that plaintiff's damages do not have a monetary value, write in the nominal amount of one dollar (\$1.00).

ANSWER   \$ 2,000.00  

B. State the amount of damages that you find from a preponderance of the evidence should be awarded to plaintiff for other damages, excluding lost wages, salary and employment benefits, such as emotional distress and mental anguish; if

you find that plaintiff's damages do not have monetary value, write in the nominal amount of one dollar (\$1.00).

ANSWER \$ 1.00

09/29/2005  
Date

/s/ Elaine Odle  
(Signature of Presiding Juror)

Interrogatory No. 5

Do you find from a preponderance of the evidence that defendant acted with malice or reckless indifference to plaintiff's right not to be discriminated against under the ADA?

YES \_\_\_\_\_

NO X

09/29/2005  
Date

/s/ Elaine Odle  
(Signature of Presiding Juror)

Interrogatory No. 6

State the amount of any punitive damages which you find from a preponderance of the evidence should be assessed against defendant.

ANSWER: \$ 0

09/29/2005  
Date

/s/ Elaine Odle  
(Signature of Presiding Juror)

The Court examined the verdicts and found them to be in regular form. The Court then polled the jury members as to whether each verdict represented his or her verdict. Each member responded affirmatively.

It is, therefore, considered, ordered, and adjudged that

A. Plaintiff's claim against Defendant under the Family Medical Leave Act is dismissed, with prejudice, and judgment in favor of Defendant against Plaintiff on this claim is hereby entered.

B. Judgment is entered in Plaintiff's favor against Defendant on his claim under the Americans with Disabilities Act for \$2,001.00. This Judgment shall bear interest in accordance with the applicable federal rate from September 29, 2005, until it is paid in full.

C. Petitions for fees and costs shall be filed according to the local rules of the United States District Court for the Western District of Arkansas.

IT IS SO ORDERED.

10/12/05  
Date

W. R. Wilson, Jr.  
Hon. William R. Wilson, Jr.  
United States District Court Judge

U. S. DISTRICT COURT  
WESTERN DISTRICT ARKANSAS  
FILED

OCT 21 2005

CHRIS H. JOHNSON, CLERK

BY

[Signature]  
DEPUTY CLERK